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APPLICATION NO.	FILING D	PATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/601,013	06/20/2003		Ashish Agrawal	249768071US	5759
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PERKINS C		AHLUWALIA, NAVNEET K			
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SEATTLE, V	WA 98111-12	2166			

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/601,013	AGRAWAL ET AL.				
		Examiner	Art Unit				
		Navneet K. Ahluwalia	2166				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENE WHICHEVER - Extensions of tim after SIX (6) MOI - If NO period for r - Failure to reply w Any reply receive	ED STATUTORY PERIOD FOR REPL IS LONGER, FROM THE MAILING D we may be available under the provisions of 37 CFR 1. NTHS from the mailing date of this communication. eply is specified above, the maximum statutory period irithin the set or extended period for reply will, by statuted by the Office later than three months after the mailing m adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION (136(a). In no event, however, may a reply be to divill apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	ON. imely filed m the mailing date of this communication. IED (35 U.S.C. § 133).				
Status							
2a)⊠ This act 3)⊡ Since th	sive to communication(s) filed on <u>13 S</u> ion is FINAL . 2b) Thin Thin the practice under	is action is non-final. ance except for formal matters, p					
Disposition of CI	aims	•					
4a) Of th 5) ☐ Claim(s 6) ☑ Claim(s 7) ☐ Claim(s) <u>1-30 and 38-60</u> is/are pending in the above claim(s) is/are withdra join is/are allowed.) <u>1-30 and 38-60</u> is/are rejected.) <u>1-30 and sare objected to.</u>) is/are subject to restriction and/	awn from consideration.					
Application Pape	ers						
9)∐ The spe	cification is objected to by the Examin	ner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
<u> </u>	ment drawing sheet(s) including the corre n or declaration is objected to by the E	* * * * * * * * * * * * * * * * * * * *	•				
Priority under 35	U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s)	ences Cited (PTO-892)	4) 🔲 Interview Summar	ov (PTO-413)				
2) Notice of Drafts	person's Patent Drawing Review (PTO-948) closure Statement(s) (PTO/SB/08)	Paper No(s)/Mail I Notice of Informal Other:	Date				

Art Unit: 2166

DETAILED ACTION

1. This communication is in response to the Amendment filed September 13, 2006.

Response to Arguments

- 2. Claims 1-30, 38-60 are pending in this Office Action and claims 31-37 have been cancelled. After a further search and a thorough examination of the present application, claims 1-30, 38-60 remain rejected. The rejection under 35 U.S.C. §101 to claims 38-54 and 56-60 are withdrawn in view of the amendment.
- 3. Applicant's arguments filed with respect to claims 1 30, 38 60 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching in Rorex that the queries that are selected are queries that have been submitted or identifying a submitted query that matches content.

In response to Applicant's argument, the Examiner submits that Rorex teaches the selection of the queries submitted by users in Figure 2, it is depicted that the search request submitted by the user is received and then based on this submitted search request matching search listings and identified from the database and other related search databases and these results are then combined and submitted to the user. Furthermore the identification of submitted queries matching content is done by relevancy checks see figure 5 and column 9 lines 1 – 16 and column 12 lines 40 – 52.

All other claims recite the same subject matter and for the same reasons as cited above the rejection is maintained.

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 102 and 103 rejections are sustained.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 – 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11 – 25 are rejected because the language of claim 11 is more of an abstract idea with no practical application or tangible result in view of the definition of the method. It raises a question as to whether the result in a practical application produces a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. As per the claim language of claim 11 after selecting a product that matches the identified query nothing tangible is done with the selected product, this is just a determination and therefore not tangible. The selected product if displayed or submitted to the user retrieved and sent to associate like in other independent claims it would have a result rather than just a determination.

Art Unit: 2166

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 6. Claims 1 6, 9 19, 22 30, 38 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Rorex et al ('Rorex' herein after) (US 6,876,997 B1).

With respect to claim 1,

Rorex discloses a computer-based method for identifying a product relating to a web page (figure 1 and column 3 lines 9 – 15, Rorex), the method comprising:

- providing a plurality of queries submitted by users of a web site, each query
 having a popularity (figure 2 elements 200, 202 column 6 lines 21 28, Rorex);
- receiving content of the web page (column 5 lines 52 57, column 12 lines 8 20, Rorex);

- identifying provided queries that match phrases in the content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex);

- selecting an identified query based on its popularity (figure 2 element 206 and column 6 lines 42 50, Rorex); and
- submitting the selected query to a product search engine to identify a product
 that is related to the selected query (figure 2 element 208 and column 6 lines 51
 59, Rorex).

With respect to claim 2,

Rorex discloses the method of claim 1 including selecting the product based on experience-based relevance of the product to the selected query (column 2 lines 46 – 47 and column 6 lines 1 – 10, Rorex).

With respect to claim 3,

Rorex discloses the method of claim 1 wherein experience-based relevance recognition is based on interactions of users with results of similar queries (figure 5 and column 9 lines 1 - 16, Rorex).

With respect to claim 4,

Rorex discloses the method of claim 1 including selecting product data for the selected product (column 4 lines 44 – 52, Rorex).

With respect to claim 5,

Rorex discloses the method of claim 1 wherein the content is an article of the web page (figure 3a element 310e, Rorex).

With respect to claim 6,

Rorex discloses the method of claim 1 wherein the content is a headline of the web page (figure 3a element 360e, Rorex).

With respect to claim 9,

Rorex discloses the method of claim 1 wherein the content is provided by an associate of a vendor web site that sells products (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

With respect to claim 10,

Rorex discloses the method of claim 9 wherein the associate is compensated based on a user purchase of an advertised product (figure 3a element 350a and column 7 lines 29 – 34, Rorex).

With respect to claim 11,

Rorex discloses a computer-based method for identifying a product to be associated with content (figure 1 and column 3 lines 9 – 15, Rorex), the method comprising:

providing a plurality of queries (figure 2 elements 200, 202 column 6 lines 21 –
 28, Rorex);

- identifying a query from the plurality of queries based on its relevance to the content and its popularity of submission (column 2 lines 46 47 and column 6 lines 1 10, Rorex); and
- selecting a product that matches the identified query as the product to be associated with the content (figure 2 element 206 and column 6 lines 42 – 50, Rorex).

With respect to claim 12,

Rorex discloses the method of claim 11 wherein the plurality of queries correspond to queries submitted by users (figure 5 and column 9 lines 1 – 16, Rorex).

With respect to claim 13,

Rorex discloses the method of claim 11 wherein the relevance of a query to the content is based on matching phrases in the content to queries (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex).

With respect to claim 14,

Rorex discloses the method of claim 11 wherein the identifying of queries selects a relevant query that is most popular (figure 2 element 206 and column 6 lines 42 – 50, Rorex).

With respect to claim 15,

Rorex discloses the method of claim 11 wherein the selecting of a product includes:

identifying products that match the identified query (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex);

ranking the identified products based on the experience of users who accessed results of similar queries (column 2 lines 46 – 47 and column 6 lines 1 – 10,
 Rorex); and

- selecting a high-ranking product as the product that matches the identified query (figure 2 element 206 and column 6 lines 42 – 50, Rorex).

With respect to claim 16,

Rorex discloses the method of claim 11 wherein the content is related to an article (figure 3a element 310e, Rorex).

With respect to claim 17,

Rorex discloses the method of claim 16 wherein the content is a headline of the article (figure 3a element 360e, Rorex).

With respect to claim 18,

Rorex discloses the method of claim 16 wherein the content is a body of the article (figure 3a element 360c and 310c, Rorex).

With respect to claim 19,

Rorex discloses the method of claim 16 wherein the content is a portion of a body of the article (figure 3a element 360c and 310c, Rorex).

With respect to claim 22,

Rorex discloses the method of claim 11 wherein the content is a portion of a dynamically generated web page (page 3 paragraph [0027] lines 1 – 15,Rorex).

With respect to claim 23,

Rorex discloses the method of claim 11 wherein the content is provided by an associate of a vendor web site that sells products (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

With respect to claim 24,

Rorex discloses the method of claim 23 including providing to the associate an advertisement for the selected product (figure 3a and column 7 lines 1 – 11 and 29 – 34, Rorex).

With respect to claim 25,

Rorex discloses the method of claim 24 wherein the associate is compensated based on a user purchase of the selected product (figure 3a element 350a and column 7 lines 29 – 34, Rorex).

With respect to claim 26,

Rorex discloses a method in a computer system for providing information relating to content (figure 1 and column 3 lines 9 – 15, Rorex), the method comprising;

- sending content to a web service, the web service for providing a plurality of user-submitted queries (figure 2 elements 200, 202 column 6 lines 21 28, Rorex), for identifying a query from the plurality of queries that is related to the sent content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 42, Rorex), and for selecting a product that matches the identified query as the product to be associated with the content (figure 2 element 206 and column 6 lines 42 50, Rorex);
- receiving information relating to the product associated with the content (column
 5 lines 52 57, column 12 lines 8 20, Rorex); and
- displaying the content and the received information (figure 3a).

With respect to claim 27,

Rorex discloses the method of claim 26 wherein the identifying of a query is based on popularity of the query (figure 2 element 206 and column 6 lines 42 – 50, Rorex).

With respect to claim 28,

Rorex discloses the method of claim 26 wherein the received information is product data (column 4 lines 44 – 52, Rorex).

With respect to claim 29,

Rorex discloses the method of claim 26 wherein the received information is an advertisement (column 4 lines 44 - 52, Rorex and figure 3a).

With respect to claim 30,

Rorex discloses the method of claim 26 wherein the web service is provided by a vendor and the content is provided by an associate of the vendor (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

With respect to claim 38,

Rorex discloses a computer system for providing a query relating to content (figure 1 and column 3 lines 9 – 15, Rorex), comprising;

a popularity-based query table containing queries submitted by users and indications of the popularity of the queries among users (figure 2 elements 200, 202 column 6 lines 21 – 28, Rorex);

Art Unit: 2166

 a component that identifies queries of the popularity-based query table that match the content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex); and

a component that selects an identified query based on its popularity as indicated
 by the popularity-based query table (figure 2 element 206 and column 6 lines 42
 - 50, Rorex).

With respect to claim 39,

Rorex discloses the computer system of claim 38 including a component that submits the selected query to a query engine to identify information relating to the content (figure 2 element 208 and column 6 lines 51 – 59, Rorex).

With respect to claim 40,

Rorex discloses the computer system of claim 39 wherein the query engine is experience-based (column 2 lines 46 – 47 and column 6 lines 1 – 10, Rorex).

With respect to claim 41,

Rorex discloses the computer system of claim 39 wherein the information is product data (column 4 lines 44 – 52, Rorex).

With respect to claim 42,

Rorex discloses the computer system of claim 38 wherein the content is received from an associate of a vendor's web site (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

With respect to claim 43,

Rorex discloses the computer system of claim 38 wherein the identifying of queries includes identifying the longest phrases of the content that match a query (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex).

With respect to claim 44,

Rorex discloses the computer system of claim 38 wherein the popularity of a query is based on when users purchase the product identified by results of the query (figure 5 and column 9 lines 1 – 16, Rorex).

With respect to claim 45,

Rorex discloses the computer system of claim 38 wherein the popularity of a query is based on when users request information on a product identified by results of the query (figure 5 and column 9 lines 1 – 16, Rorex).

With respect to claim 46,

Rorex discloses the computer system of claim 38 wherein the queries are submitted by users of a web site (figure 2 and 3a).

With respect to claim 47,

Rorex discloses a computer-readable storage medium containing instructions for controlling a computer system to provide product data by a method comprising:

- generating a popularity-based query table containing queries submitted by users
 of a vendor's web site and indications of the popularity of the queries among the
 users (figure 2 elements 200, 202 column 6 lines 21 28, Rorex);
- receiving content from an associate of the vendor's web site (figure 1 and column
 3 lines 9 15, Rorex);
- identifying queries of the popularity-based query table that match the received content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex);
- selecting an identified query based on its popularity as indicated by the popularity-based query table (figure 2 element 206 and column 6 lines 42 50, Rorex);
- executing the selected query to identify products that match the query (figure 2
 element 208 and column 6 lines 51 59, Rorex);
- retrieving product data associated with an identified product (column 4 lines 44 –
 52, Rorex); and
- sending the retrieved product data to the associate (figure 3a).

With respect to claim 48,

Rorex discloses the computer-readable storage medium of claim 47 wherein the executing of the selected query is performed by an experience-based query engine (column 2 lines 46 – 47 and column 6 lines 1 – 10, Rorex).

With respect to claim 49,

Rorex discloses the computer-readable storage medium of claim 47 wherein the identifying of queries includes identifying the longest phrases of the received content that match a query (figure 2 element 204, figure 3a element 316 and column 6 lines 35 – 42, Rorex).

With respect to claim 50,

Rorex discloses the computer-readable storage medium of claim 47 wherein the popularity of a query is based on when users purchase a product identified by results of the query (figure 5 and column 9 lines 1 – 16, Rorex).

With respect to claim 51,

Rorex discloses the computer-readable storage medium of claim 47 wherein the popularity of a query is based on when users request information on a product identified by results of the query (figure 5 and column 9 lines 1 - 16, Rorex).

With respect to claim 52,

Rorex discloses the computer-readable storage medium of claim 47 wherein the products are offered for sale by the vendor (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

With respect to claim 53,

Rorex discloses the computer-readable storage medium of claim 47 wherein the content is derived from a web page to be served by the associate (column 4 lines 44 – 52, Rorex and figure 3a).

With respect to claim 54,

Rorex discloses the computer-readable storage medium of claim 53 wherein the associate is compensated by the vendor when a user to whom the web page is served purchases the product from the vendor (figure 3a element 350a and column 7 lines 29 – 34, Rorex).

With respect to claim 55,

Rorex discloses a computer system for identifying products related to content (figure 1 and column 3 lines 9 - 15, Rorex), comprising:

- means for providing a popularity-based query table (figure 2 elements 200, 202 column 6 lines 21 28, Rorex);
- means for receiving a request to identify products related to content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 42, Rorex);

Art Unit: 2166

means for selecting a query from the popularity-based query table (figure 2
 element 206 and column 6 lines 42 – 50, Rorex);

- means for identifying products that match the query (figure 2 element 204, figure 3a element 316 and column 6 lines 35 42, Rorex); and
- means for providing the identified products in response to receiving the request (figure 2 element 208 and column 6 lines 51 59, Rorex).

With respect to claim 56,

Rorex discloses a method in a computer system of a vendor for providing product data relating to content provided by an associate of the vendor, the method comprising:

- receiving from the associate a request for product data for a product relating to content (figure 1 and column 3 lines 9 – 15, Rorex);
- identifying a query that matches the content (figure 2 element 204, figure 3a element 316 and column 6 lines 35 42, Rorex);
- executing the identified query to identify a product that matches the query;
 retrieving product data relating to the product that matches the query figure 2
 element 208 and column 6 lines 51 59, Rorex); and
- sending to the associate the retrieved product data (figure 3a).

With respect to claim 57,

Rorex discloses the method of claim 56 wherein the query is identified based on the popularity of queries among users (figure 2 element 206 and column 6 lines 42 – 50, Rorex).

With respect to claim 58,

Rorex discloses the method of claim 56 wherein the query is not identified based on the popularity of queries among users (column 2 lines 46 – 47 and column 6 lines 1 – 10, Rorex).

With respect to claim 59,

Rorex discloses the method of claim 56 wherein the method is provided as a web service of the vendor (figure 3a element 350a and column 7 lines 29 – 34, Rorex).

With respect to claim 60,

Rorex discloses the method of claim 56 wherein the product data is an advertisement for a product sold by the vendor (figure 3a element 340 and column 7 lines 1 – 11, Rorex).

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 9. Claims 7 8, 20 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rorex et al ('Rorex' herein after) (US 6,876,997 B1) as applied to claims 1 6, 9 19, 22 30 and 38 60 above, and further in view of Barsness et al ('Barsness' herein after) (US 2003/0028441 A1).

With respect to claim 7,

Rorex discloses the method of claim 1 wherein the web page represents a web \log (column 12 lines 38 – 48, Rorex).

Rorex however does not explicitly disclose the content representing a web log.

Barsness teaches the content as a web log (page 3 paragraph [0032], Barsness).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because Application/Control Number: 10/601,013

Art Unit: 2166

they are both targeted to marketing online. Furthermore, the web log of Barsness's invention would improve the effectiveness of marketing campaigns (page 1 paragraph [0009], Barsness).

With respect to claim 8,

Rorex discloses the method of claim 1 (figure 1 and 2, Rorex) wherein the web page contains an instant messaging message.

Rorex however does not explicitly disclose an instant messaging message.

Barsness teaches the web page containing an instant messaging message (page 3 paragraph [0027], Barsness).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they are both targeted to marketing online. Furthermore, the web log of Barsness's invention would improve the effectiveness of marketing campaigns (page 1 paragraph [0009], Barsness).

With respect to claim 20,

Rorex discloses the method of claim 11 wherein the content is a web log (column 12 lines 38 – 48, Rorex).

Rorex however does not explicitly disclose the content representing a web log.

Barsness teaches the content as a web log (page 3 paragraph [0032], Barsness).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because

they are both targeted to marketing online. Furthermore, the web log of Barsness's invention would improve the effectiveness of marketing campaigns (page 1 paragraph [0009], Barsness).

With respect to claim 21,

Rorex discloses the method of claim 11 (figure 1 and 2, Rorex) wherein the content is an instant messaging message.

Rorex however does not explicitly disclose an instant messaging message.

Barsness teaches the web page containing an instant messaging message (page 3 paragraph [0027], Barsness).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they are both targeted to marketing online. Furthermore, the web log of Barsness's invention would improve the effectiveness of marketing campaigns (page 1 paragraph [0009], Barsness).

Art Unit: 2166

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Narnet Navneet K. Ahluwalia Examiner TM17/16/66

Art Unit 2166

Dated: 11/15/2006